

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WISCONSIN**

**JEROME L. WEINMANN, et al.,**

Plaintiff(s),

v.

**JURY TRIAL**

Case No. 13-C-88

**PATRICK MCCLONE,**

Defendant(s).

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HONORABLE WILLIAM C. GRIESBACH presiding  
Proceeding Held: February 2, 2016 – February 5, 2016  
Deputy Clerk: Amanda

Time Called: 9:17 a.m.  
Time Concluded: 12:47 p.m.  
Tape: 020216 - 020516

**Appearances:**

**Plaintiff(s):** John Peterson, Amy Risseuw

**Defendant(s):** Samuel Hall, Timothy Johnson

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**Day 1**

9:17 a.m. – Court opens and welcomes jury.  
9:22 a.m. – Oath given to jury panel. Jury sworn.  
9:23 a.m. – Begin voir dire.  
9:51 a.m. – Court gives jury instructions. Counsel takes jury strikes.  
10:00 a.m. – Jury selected.  
10:01 a.m. – Jury excused.  
10:03 a.m. – Court recesses.  
10:29 a.m. – Court resumes.  
10:31 a.m. – Petit oath given to jurors. Jurors sworn.  
10:32 a.m. – Mr. Peterson presents opening argument.  
10:53 a.m. – Mr. Peterson concludes. Mr. Hall presents opening argument.  
11:08 a.m. – Mr. Hall concludes.  
11:10 a.m. – Jury excused for the day.  
11:11 a.m. – Mr. Hall asks Court about voir dire of the witness tomorrow morning. Counsel are to be in court Wednesday at 11:00 a.m. to begin voir dire of the witness. Court concludes for the day.

**Day 2**

11:47 a.m. – Court opens without the presence of the jury.  
11:48 a.m. – Defendant's inform the court that they would like to voir dire a witness. **William Thomas Gaut** called by Mr. Johnson. Witness sworn. Begin voir dire.  
12:00 p.m. – Mr. Johnson concludes voir dire and offers argument as to the witness's opinions and testimony.  
12:03 p.m. – Mr. Peterson responds.  
12:04 p.m. – Court makes ruling and finds that the witness's opinion about excessive use of force is inadmissible; everything else is admissible.

12:07 p.m. – Witness excused.  
12:09 p.m. – Jury brought in to the courtroom. Court gives jury instruction regarding excessive use of force.  
12:12 p.m. – Mr. Peterson calls witness **Patrick J. McClone**. Witness sworn. Begin direct-exam.  
12:23 p.m. – Mr. Johnson objects as to form. Overruled.  
12:26 p.m. – Mr. Peterson reads from a police statement.  
12:31 p.m. – Mr. Hall objects and requests a side bar. Side bar had. Objection sustained.  
12:35 p.m. – Mr. Peterson shows a video/audio recording from Mr. McClone's police microphone and squad car camera.  
12:50 p.m. – Mr. Hall plays enhanced audio version.  
1:09 p.m. – Mr. Peterson concludes. Jury excused. Court addresses, outside of the presence of the jury, the earlier objection by Mr. Hall.  
1:11 p.m. – Mr. Peterson provides the Court a copy of fabricated statement he would like to question Mr. McClone about. Counsel and court discuss this statement.  
1:15 p.m. – The Court would like to take a short recess to allow counsel to discuss with witness the statements in question.  
1:17 p.m. – Court recesses.  
1:30 p.m. – Court resumes. Mr. Hall provides further clarification on the fabricated statement issue.  
1:34 p.m. – Mr. Peterson responds.  
1:35 p.m. – Court makes finding that the statement will be allowed; credibility is key.  
1:38 p.m. – Jury returns to the courtroom.  
1:39 p.m. – Mr. Peterson continues with direct-exam of Mr. McClone.  
1:40 p.m. – Mr. Peterson concludes. Mr. Hall begins cross-exam.  
1:47 p.m. – Mr. Hall concludes. Witness excused.  
1:48 p.m. – Mr. Peterson calls witness **William Thomas Gaut**. Witness sworn. Begin direct-exam.  
2:10 p.m. – Mr. Johnson objects. Counsel approaches the bench.  
2:12 p.m. – Objection sustained. Mr. Peterson continues.  
2:24 p.m. – Mr. Johnson begins cross-exam.  
2:42 p.m. – Mr. Peterson objects. Sustained.  
2:43 p.m. – Mr. Johnson concludes. Witness excused.  
2:44 p.m. – Jury excused. Court makes further record regarding expert testimony. The record is made clear regarding objections and motions in limine.  
2:49 p.m. – Mr. Hall responds.  
2:53 p.m. – Court recesses.  
3:07 p.m. – Court resumes.  
3:08 p.m. – Mrs. Risseuw calls witness **Jared Weinmann**. Witness sworn. Begin direct-exam.  
3:16 p.m. – Mrs. Risseuw concludes. Mr. Hall begins cross-exam.  
3:19 p.m. – Mr. Hall concludes. Witness excused.  
3:20 p.m. – Mrs. Risseuw presents the deposition testimony of **Michael Bauer**.  
3:52 p.m. – Mrs. Risseuw calls witness **Susan Weinmann**. Witness sworn. Begin direct-exam.  
4:11 p.m. – The record reflects Mrs. Weinmann holding her hands out displaying pointing a gun.  
4:23 p.m. – Mrs. Risseuw concludes. Mr. Hall begins cross-exam.  
4:56 p.m. – Mrs. Risseuw objects. Overruled.  
5:01 p.m. – Mr. Hall concludes. Mrs. Risseuw begins re-direct.  
5:02 p.m. – Mrs. Risseuw concludes. Witness excused.  
5:03 p.m. – Jury excused for the day.  
5:05 p.m. – Court recesses for the day.

### **Day 3**

9:01 a.m. – Court opens without the presence of the jury. Mr. Hall provides authority from discussions regarding motions in limine from Day 2 of trial.  
9:05 a.m. – Mrs. Risseuw responds.

9:09 a.m. – Jury enters the courtroom.  
9:10 a.m. – Mrs. Risseeuw requests to play the deposition testimony of **Kevin Arce**. Deposition testimony played.  
10:01 a.m. – Jury excused.  
10:02 a.m. – Court recesses.  
10:12 a.m. – Court resumes and makes ruling on Mr. Hall’s authority argument.  
10:19 a.m. – Jury returns to courtroom.  
10:19 a.m. – Mrs. Risseeuw calls witness **Jerome Weinmann**. Witness sworn. Begin direct-exam.  
10:44 a.m. – Court asks counsel to approach the bench.  
11:04 a.m. – Mr. Risseeuw concludes. Mr. Hall begins cross-exam.  
11:33 a.m. – Mr. Hall asks for motion to strike. Granted. Mr. Weinmann given further instruction by the Court.  
11:55 a.m. – Mr. Hall concludes. Mrs. Risseeuw re-directs. Mr. Hall moves to strike. Court provides further instruction to Mr. Weinmann.  
11:56 a.m. – Witness excused. Jury excused. Plaintiff’s rest their case.  
12:01 p.m. – Court recesses.  
1:04 p.m. – Court resumes.  
1:06 p.m. – Jury brought into the courtroom.  
1:07 p.m. – Mr. Halls calls witness **Shane Bazile**. Witness sworn. Begin direct-exam.  
1:15 p.m. – Mr. Hall concludes. Mrs. Risseeuw begins cross-exam.  
1:16 p.m. – Mrs. Risseeuw concludes. Mr. Hall re-directs.  
1:17 p.m. – Mr. Hall concludes. Witness excused.  
1:17 p.m. – Mr. Hall calls witness **Patrick McClone**. Witness sworn. Begin direct-exam.  
1:47 p.m. – Mr. Hall concludes. Mr. Peterson begins cross-exam.  
1:49 p.m. – The record reflects Mr. McClone demonstrating holding his weapon with his hands.  
1:50 p.m. – Mr. Hall objects as to form. Overruled.  
1:52 p.m. – Mr. Peterson concludes. Mr. Hall re-directs.  
1:53 p.m. – Court asks counsel to approach the bench. Mr. Hall continues.  
1:54 p.m. – Witness excused.  
1:54 p.m. – Mr. Halls calls witness **Craig Copes**. Witness sworn. Mr. Johnson begins direct-exam.  
2:03 p.m. – Mr. Johnson concludes. Mr. Peterson begins cross-exam.  
2:05 p.m. – Mr. Peterson concludes. Mr. Johnson re-directs.  
2:06 p.m. – Mr. Johnson concludes. Witness excused. Jury excused.  
2:07 p.m. – Court recesses.  
2:21 p.m. – Court resumes. Jury returns.  
2:23 p.m. – Mr. Hall presents the video testimony of **William Lewinski**.  
3:15 p.m. – Video concludes. Defense rests their case.  
3:16 p.m. – Jury excused for the day.  
3:17 p.m. – Mr. Halls moves for a Rule 50 motion.  
3:19 p.m. – Mr. Peterson responds.  
3:21 p.m. – Mr. Hall replies.  
3:22 p.m. – Court makes ruling and denies the motion to dismiss. With respect to punitive damages, the Court takes this matter under advisement and submits it. Defendant may renew the motion upon the jury’s decision.  
3:24 p.m. – Court and counsel discuss jury instructions.  
3:27 p.m. – Court recesses.  
3:51 p.m. – Court resumes and a jury instruction and verdict conference is held.  
3:58 p.m. – Court concludes for the day.

#### **Day 4**

9:00 a.m. – Court opens.  
9:02 a.m. – Jury brought in to the courtroom.  
9:03 a.m. – Court provides jury instructions.

9:19 a.m. – Mr. Peterson presents closing argument.  
9:48 a.m. – Mr. Peterson concludes. Mr. Hall presents closing argument.  
10:19 a.m. – Mr. Hall concludes. Mr. Peterson begins rebuttal.  
10:35 a.m. – Mr. Peterson concludes. Court gives verdict instructions to the jury.  
10:40 a.m. – Oath given to CSO. Jury excused.  
10:42 a.m. – Court recesses.  
12:44 p.m. – Court resumes.  
12:45 p.m. – Jury returns to the courtroom.  
12:46 p.m. – Jury verdict read.  
12:47 p.m. – Jury excused. Clerk is directed to enter judgment.  
12:47 p.m. – Trial completed.